

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12200 of 2000

For Approval and Signature:

HON'BLE MR.JUSTICE AKSHAY H.MEHTA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

RD OZA

Versus

CHIEF GENERAL MANAGER TELECOM

Appearance:

1. Special Civil Application No. 12200 of 2000
MR PH PATHAK for Petitioner No. 1
MR MUKESH R SHAH for Respondent No. 1-2
MS PJ DAVAWALA for Respondent No. 1-2
-

CORAM : HON'BLE MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 17/01/2004

ORAL JUDGEMENT

1. In this petition the petitioner has prayed for
issuance of writ of mandamus or certiorari for quashing

the memorandum of charges issued against the petitioner by respondent no. 2 as being arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India and also for restraining the respondents from initiating departmental inquiry against the alleged act of misconduct for which he was charged.

2. It appears that the petition was admitted in October 2001 and interim relief to the extent that no final order should be passed against the petitioner was granted.

2.1. Today when the matter is called out for hearing, Mrs. P.J. Davawala, learned advocate appearing for the respondents makes a statement that this petition has become infructuous because the inquiry which was set up against the petitioner is over and it is concluded by the Inquiry Officer that the charges levelled against the petitioner have not been proved. In other words, the petitioner is exonerated. In support of her statement, Mrs. Davawala also places on record the inquiry report dated 4th December, 2002. In para. 9 of the said report it is stated that the charges against Smt. R.D. Oza are not proved. This report is ordered to be taken on record.

3. Since the entire petition was aimed at the then proposed inquiry, it has now become infructuous because the inquiry is not held, but it is concluded also and the outcome thereof is in favour of the petitioner. This petition, therefore, is dismissed as having become infructuous. Rule discharged. Interim relief granted earlier stands vacated.

[AKSHAY H. MEHTA, J.]

* Pansala.